

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
GRINNELL CHERRY, II	:	NO. 10-091
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ORDER

AND NOW this 9th day of August, 2010, upon consideration of defendant's Motion to Suppress Physical Evidence and Supporting Memorandum of Law (Document No. 18, filed April 14, 2010); the Government's Response to Defendant's Motion to Suppress Physical Evidence (Document No. 24, filed May 20, 2010); the Government's Supplemental Response to Defendant's Motion to Suppress Physical Evidence (Document No. 31, filed June 10, 2010); Defendant's Memorandum of Law in Response to Government's Supplemental Response (Document No. 33, filed June 15, 2010); the Government's Motion *in Limine* to Admit Evidence Under Fed. R. Evid. 609(a)(1) (Document No. 20, filed April 29, 2010); and defendant's Answer Memorandum in Response to Government Motion to Admit Prior Convictions Evidence Under Fed. R. Evid. 609(a)(1) (Document No. 27, filed June 2, 2010), following a hearing and oral argument on June 10, 2010, for the reasons set forth in the Memorandum dated August 9, 2010, **IT IS ORDERED**, as follows:

1. Defendant's Motion to Suppress Physical Evidence (Document No. 18, filed April 14, 2010) is **DENIED**; and
2. The Government's Motion *in Limine* to Admit Evidence Under Fed. R. Evid. 609(a)(1) (Document No. 20, filed April 29, 2010) is **GRANTED IN PART** and

DENIED IN PART, as follows:

- a. That part of the government's Motion which seeks to admit for impeachment purposes evidence of defendant's 2003 conviction for robbery, if defendant testifies, is **GRANTED**. However, the government is **PRECLUDED** from referring at trial to defendant's use of a firearm during the commission of the robbery; and,
- b. That part of the government's Motion which seeks to admit for impeachment purposes evidence of defendant's 2003 conviction for carrying a firearm without a license, if defendant testifies, is **DENIED**.

BY THE COURT:

/s Jan E. Dubois

JAN E. DUBOIS, J.